

The device was an electrical apparatus utilizing 110-volt, 60-cycle alternating current, supplied from an ordinary wall socket. It operated as a pulsed electronic oscillator, and was equipped with attachments for applying the output to various parts of the skin of a patient. Controls on the front panel of the device provided a means for controlling the pulse rate and voltage output. The physiological effect of the device when used as directed was a pulsed electrical stimulation of various parts of the human body.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements and designs in the accompanying booklet and leaflets were false and misleading since the device was not effective for the purposes stated and implied. The statements and designs represented and suggested that the device would be efficacious for facial rejuvenation and for removing wrinkles; that involuntary muscles around the eyes and mouth could be exercised perfectly by use of the device; that the device was primarily useful in helping the muscles of the face, bust, and stomach which have become small and flabby; that it would firm and tighten the stomach and bust muscles and strengthen the foot and leg muscles; that it was the key to youthful contour; that it would soften the wrinkles that years and worry add; and that it would give the natural elasticity of youth to hold sagging cheeks, drooping mouth lines, and chins more firmly in place.

**DISPOSITION:** A motion to dismiss the libel was filed on behalf of Harvey, Inc., on the grounds that the libel was insufficient to state a cause of action; that the material contained in the booklet and leaflets was not attached to or made a part of the device; and that the libel failed to show in what respects the statements in such booklet and leaflets were false and misleading.

On December 2, 1949, a hearing was held on the motion to dismiss, at the conclusion of which the court entered an order denying the motion. An answer was thereupon filed on behalf of Harvey, Inc., denying that the device was misbranded. Thereafter, Harvey, Inc., consented to the entry of a decree; and, accordingly, on August 24, 1950, judgment of condemnation was entered and the court ordered that the device be delivered to the Food and Drug Administration.

#### DRUGS FOR VETERINARY USE

**3198. Misbranding of Super Culture all purpose feed and Special dairy feed. U. S. v. William Hite (Super Culture Sales Co.); (2 informations). Plea of guilty. Imposition of sentence suspended and defendant placed on probation for 2 years. (F. D. C. Nos. 25567, 25575. Sample Nos. 24397-K to 24399-K, incl.)**

**INFORMATIONS FILED:** November 24, 1948, and March 14, 1949, District of Minnesota, against William Hite of Mankato, Minn., trading as the Super Culture Sales Co. at Sioux City, Iowa.

**INTERSTATE SHIPMENT:** On or about December 9, 1946, and July 2 and September 22, 1947, from the State of Iowa into the State of Minnesota.

**ALLEGED VIOLATION:** (First information). Between the approximate dates of December 15, 1946, and December 12, 1947, while the *Super Culture all purpose feed* was being held for sale after shipment in interstate commerce, the defendant, at Lake Crystal, Minn., caused certain circulars entitled "Super Culture Feed" and "Guarantee And Refund Contract" to accompany the article, which act resulted in the article being misbranded.

(Second information). On or about September 23, 1947, the defendant received a quantity of *Special dairy feed* in interstate commerce at Mankato, Minn., from Sioux City, Iowa, and proffered and delivered such article for pay or otherwise.

**PRODUCT:** Analyses disclosed that the *Super Culture all purpose feed* consisted of a reddish-colored mixture containing protein (14.90% and 16.51%, respectively, in 2 samples), crude fiber and crude fat, together with salt, soda, iron oxide, and cereal bran; and that the *Special dairy feed* consisted essentially of a reddish-colored mixture containing 18.60% sulfanilamide and 10.00% protein, and crude fiber and crude fat, together with salt, soda, iron oxide, cereal bran, and anise.

**NATURE OF CHARGE:** *Super Culture all purpose feed*. Misbranding, Section 502 (a), certain statements in the circulars accompanying the article were false and misleading. The statements represented and suggested that the article would be efficacious in the cure, mitigation, and treatment of flu, spleen trouble, rickets, abortion, jaundice, worms, and necro in hogs; that the article would get hogs in a healthy condition; that it would prevent bowel trouble in chicks and increase the egg production of hens; that the article when used in conjunction with a product known as "Special Dairy Culture" or "Special Dairy Feed" would be efficacious in the cure, mitigation, treatment, and prevention of mastitis; that the article would eliminate and correct 80 percent of the dietary troubles and diseases which produce unthriftiness in hogs; and that it would be efficacious in the prevention of white diarrhea, necro, enlargement of the spleen, flu, and worms in brood sows, pigs, and shoats. The article would not be efficacious for the purposes so represented and suggested.

*Special dairy feed*. Misbranding, Section 502 (a), certain statements on bags containing the article and upon tags attached to such bags were false and misleading. The statements represented and suggested that the article would be efficacious in the treatment of mastitis, whereas the article would not be efficacious for that purpose.

The articles were alleged to be misbranded also under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

**DISPOSITION:** On June 7, 1950. A plea of guilty having been entered, the court suspended the imposition of sentence on each information and placed the defendant on probation for 2 years.

**3199. Misbranding of Breed. U. S. v. 24 Pails \* \* \*. (F. D. C. No. 29313. Sample No. 77226-K.)**

**LIBEL FILED:** May 15, 1950, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about March 31, 1950, by Breed, Inc., from Galesburg, Ill.

**PRODUCT:** 24 25-pound pails of Breed at St. Louis, Mo.

**LABEL, IN PART:** (Tag) "Breed for Calves - Hogs - Poultry - Dairy Cows - Feeder Cattle \* \* \* Ingredients Dried Whole Milk, Wheat Germ Oil, Riboflavin, Dried Buttermilk, Dried Whey, Starch, Choline Chloride, Thiamin, Niacin, Pantothenic Acid, Salt, Yeast, Iron Oxide, Anise, Iron Sulphate, Blood Flour, St. Johns bread, Ginger, Powdered (Vit. A), (D<sub>3</sub>), Activated Animal Sterol, Red Dog, Cobalt, Calcium Carbonate, Iodide, Boron, Spent Bone Black, Manganese Sulphite, Copper Sulphate, Dried Fish Soluble."